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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/655,719

09/05/2003

Stephen M. Kroon

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EXAMINER

CASCHERA, ANTONIO A

ART UNIT

PAPER NUMBER

2628

MAIL DATE

DELIVERY MODE

03/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/655,719	Applicant(s) KROON, STEPHEN M.	
	Examiner Antonio A. Caschera	Art Unit 2628	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 February 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____
 Claim(s) objected to: _____
 Claim(s) rejected: _____
 Claim(s) withdrawn from consideration: _____

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
see Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
 13. ☐ Other: _____


KEE M. TUNG
SUPERVISORY PATENT EXAMINER

Continuation of no. 11: Applicant argues that the previous Office action does fails to show the limitation that the reference tile comprises a half-toned binary pattern that would be produced by a predetermined half-toning procedure for such N-pixel tile if the portion of a pre-half-toned data that results in such N-pixel tile were of uniform lightness (see 3rd paragraph of page 5 of Applicant's Remarks). Applicant further argues that the limitation of an N-pixel tile compared with a corresponding N-pixel reference tile that comprises a half-toned binary pattern...(see last paragraph of page 6 of Applicant's Remarks) was not explained by the Office.

The Office disagrees as it was clearly stated by the Office that Kisor et al. explicitly states that such block pixel processing is associated with image data taken from a photograph using a scanner and then sent through a dithering process or image data which is, "pre-half-toned" (see column 8, lines 9-22 and #60, 62 and 64 of Figure 2). Kisor et al. also discloses decompressing the compressed block pixel count data file utilizing pattern sets which represent the 256 different ways in which the human eye can perceive the shades of gray (see columns 10-11, lines 43-34). Note, the Office interprets such patterns of Kisor et al. functionally equivalent to the reference tiles since such patterns represent all possible regular viewing of gray colors by the human eye. Further, since Kisor et al. explicitly discloses the pattern sets representing the 256 different ways in which the human eye can perceive the shades of gray, the Office interprets that such pattern data is representative of uniform lightness data since such shades of gray would be best represented all at the same/lightness brightness. Further, Kisor et al. further discloses matching a pattern with a block of pixels using the block pixel count number and the same number of black pixels in the pattern (see column 11, lines 35-55), more specifically selecting the correct block pixel pattern of the pattern sets having the same or substantially the same numbers of black pixels defined by the numbers in the block pixel count file (see column 6, lines 39-44). The Office has stated that such "matching" of Kisor et al. must inherently involve some sort of comparison or "test" between the number of black pixels in the pixel pattern and block pixel count file. Therefore the Office interprets Kisor et al. to disclose the above limitations as argued by the Applicant.

